THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24200 OF 2002

DATED: 01-8-2007

Between:

Krishan Singh

.. Petitioner

and

Union of India, rep. by its Secretary, Ministry of Home Affairs, New Delhi and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24200 OF 2002

ORDER:

This writ petition is filed seeking a certiorari to call for the records pertaining to the order No.V-15014/5/2001-L&R/2195, dated 23.08.2002, on the file of the Director General, Central Industrial Security Force (Ministry of Home Affairs), New Delhi, and quash the same as arbitrary and illegal.

It appears, the petitioner, while working as Deputy Commandant (Fire) in Central Industrial Security Force (for short 'C.I.S.F.'), was selected for deployment on United Nations Mission at Kosovo/Bosnia/Herzegovina. On 26.02.2001, he, along with four others, was sent for skill test (firing test) at National Police Academy, Hyderabad, where all of them were supplied with 9 mm empty Pistols. The bullets would be supplied at the spot of firing. While so, the petitioner found his pistol not working properly and hence he wanted to exchange the same with another one, but, the armourer, who checked it and found it working properly, did not accept for exchange. The petitioner, having not satisfied with the act of armourer, wanted to see the pistol given to one R.Ravindranathan, another Deputy Commandant, and took his pistol, and while he was examining the same, one bullet went off accidentally. Thereupon, departmental proceedings were initiated against him and he was issued with a

charge memo stating that he did not follow the safety principles as prescribed for handling a weapon and failed to maintain absolute devotion to duty and acted in a manner unbecoming of an officer of his status and service in an armed force of the Union i.e. C.I.S.F. After considering the explanation submitted by the petitioner to the said charge memo, by an order dated 23.08.2002, he was imposed with a punishment of reduction of pay by three stages in the time scale of pay for a period three years without cumulative effect, which was later modified, by an order dated 08.09.2003, to that of punishment of reduction of pay by two stages in the time scale of pay for a period of three years without cumulative effect. Aggrieved by the same, the petitioner preferred this writ petition.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner and stating that the punishment imposed on the petitioner was in proportion to the misconduct proved against him.

Heard both sides.

I am of the opinion that in a matter of this nature, it may not be appropriate for this Court to evaluate the gravity of the punishment imposed on the petitioner for the misconduct proved against him. Admittedly, the petitioner, who was a Deputy Commandant in C.I.S.F., in the status of an Officer, was found to have handled the pistol carelessly without following the safety principles and, thus, failed to maintain absolute devotion to duty and acted in a manner unbecoming of an officer of his status. In my opinion, the respondents have not committed any error calling for interference of this Court under Article 226 of the Constitution of India and I see no grounds to interfere with

the impugned order. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

C.V. RAMULU, J

1st August, 2007.
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